

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

PB LIFE AND ANNUITY CO., LTD., *et al.*,¹

Chapter 11
Case No. 20-12791 (LGB)

Debtor.

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JOHN JOHNSTON, as Joint Provisional Liquidator on
behalf of PB LIFE AND ANNUITY CO., LTD.,
NORTHSTAR FINANCIAL SERVICES (BERMUDA)
LTD., OMNIA LTD., and PB INVESTMENT HOLDINGS
LTD., NORTHSTAR FINANCIAL SERVICES
(BERMUDA) LTD., OMNIA LTD., and PB
INVESTMENT HOLDINGS LTD.,

Plaintiffs,

Adv. Pro. No. 23-01000 (LGB)

- against -

GREGREY EVAN LINDBERG A/K/A
GREG EVAN LINDBERG, *et al.*,²

Defendants.

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SCHEDULING ORDER FOR MOTIONS TO DISMISS

WHEREAS, John Johnston and Rachel Frisby³ as Joint Provisional Liquidators (the
“JPLs”) on behalf of PB Life and Annuity Co., Ltd. (in liquidation), Northstar Financial Services

¹ PB Life and Annuity Co., Ltd., Northstar Financial Services (Bermuda) Ltd., Omnia Ltd. and PB Investment Holdings Ltd., foreign Debtors, are Bermuda limited companies which each have a registered address in Bermuda c/o Deloitte Financial Advisory Ltd. Bermuda, Corner House, 20 Parliament Street, Hamilton HM 12, Bermuda, and are jointly administered for procedural purposes, by Order entered on April 2, 2021.

² A complete list of the ~900 named defendants (collectively, the “Named Defendants”) can be found in the Complaint [Adv. Dkt. 1].

³ By Orders of the Supreme Court of Bermuda, John Johnston and Rachelle Frisby were together appointed as JPLs of the Debtors. Ms. Frisby no longer works for Deloitte Financial Advisory Ltd. Bermuda and resigned as JPL of the Debtors on August 11, 2023. On September 25, 2023, the Supreme Court of Bermuda entered an Order removing Ms. Frisby as JPL and recognized Edward Willmott of Deloitte Financial Advisory Ltd Bermuda as Mr. Johnston’s

(Bermuda) Ltd. (in liquidation), Omnia Ltd. (in liquidation), and PB Investment Holdings Ltd. (in liquidation) (collectively, the “Debtors,” and with the JPLs, the “Plaintiffs”), commenced the above-captioned adversary proceeding on January 4, 2023 by filing a complaint against the Named Defendants [Adv. Dkt. 1] (the “Complaint”); and

WHEREAS, on March 10, 2023, the Court issued its written *Order Granting Motion to Stay Adversary Proceeding as to the NC Insurance Companies Subject to Plaintiffs Obtaining an Order From the Rehabilitation Court Authorizing the Filing of the Complaint and the Prosecution of the Adversary Proceeding* [Adv. Dkt. 78] (the “Stay Order”); and

WHEREAS, on September 27, 2023, the Plaintiffs filed the Amended Complaint [Adv. Dkt. 129] (the “Amended Complaint”); and

WHEREAS, on October 25, 2023, the Court entered the *Stipulated Schedule to Respond to the Amended Complaint for 763 Defendants of the 954 Named Defendants* [Adv. Dkt. 153] (the “Stipulation Extending Time to Respond”) extending the time to respond to the Amended Complaint for 763 of the 954 Named Defendants (the “Exhibit A Defendants”)⁴ through and including December 15, 2023 (the “Response Deadline”) and providing further scheduling deadlines for responses, oppositions, and replies (collectively, the “Master Schedule”); and

WHEREAS, on October 26, 2023, Defendants NOM GB 2018 I, LLC and Pierre Mendes LLC filed a stipulation titled *Consent to Stipulated Schedule*, extending their time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 155]; and

counterpart as a new joint provisional liquidator of the Debtors. Mr. Willmott’s appointment became effective October 17, 2023. By Order dated October 30, 2023, the Court authorized the amendment of the Recognition Orders to recognize Mr. Willmott as the Debtors’ JPL [20-12791, Dkt. 532].

⁴ The “Exhibit A Defendants” are those Defendants listed in Exhibit A of the Stipulation Extending Time to Respond [Adv. Dkt. 153].

WHEREAS, on October 26, 2023, Defendant Vista Life & Casualty Reinsurance Company filed a stipulation titled *Consent to Stipulated Schedule*, extending its time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 157]; and

WHEREAS, on October 26, 2023, the Court entered the *Stipulation and Order to Respond to the Amended Complaint for Defendant Edward Mills Asset Management LLC*, extending its time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 158] and providing further scheduling deadlines for responses, oppositions, and replies; and

WHEREAS, on October 27, 2023, Defendant Hansen Aerospace, LLC filed a stipulation titled *Consent to Stipulated Schedule to Respond to the Amended Complaint*, extending its time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 159]; and

WHEREAS, on October 27, 2023, Defendant Christa M. Miller filed a stipulation titled *Consent to Stipulated Schedule*, extending her time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 161]; and

WHEREAS, on October 30, 2023, Defendant Eric D. Bostic filed a stipulation titled *Consent to Stipulated Schedule*, extending his time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 163]; and

WHEREAS, on November 7, 2023, Defendant Devin Solow filed a stipulation titled *Consent to Stipulated Schedule*, extending his time to respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 173]; and

WHEREAS, on November 13, 2023, the Court entered its *Order Granting Foley & Lardner LLP's Application to Withdraw as Attorneys of Record for Standard Advisory Services*,

Ltd., in which the Court ordered that defendant Standard Advisory Services Ltd. may respond to the Amended Complaint through and including the Response Deadline [Adv. Dkt. 179]; and

WHEREAS, on October 16, 2023, Aspida filed its *Motion to Dismiss the Amended Complaint* and supporting memorandum of law [Adv. Dkt. 140] (“Aspida Motion to Dismiss”); and

WHEREAS, on October 26, 2023 the Court held a hearing (“October 26, 2023 Hearing”) at which Aspida objected to the Master Schedule; and

WHEREAS, the Court determined at the October 26, 2023 Hearing that it will hear two arguments raised in Aspida’s Motion to Dismiss on a schedule separate from the Master Schedule, specifically, Aspida’s arguments for dismissal based on the McCarran-Ferguson Act and the *Burford* Abstention Doctrine; and

WHEREAS, at the October 26, 2023 hearing, the Court discussed scheduling matters regarding future motions to dismiss that may be filed by the Exhibit A Defendants and/or Defendants Standard Advisory Services Ltd.; NOM GB 2018 I, LLC; Pierre Mendes LLC; Vista Life & Casualty Reinsurance Company; Edward Mills Asset Management LLC; Hansen Aerospace, LLC; Christa M. Miller; Eric D. Bostic, and; Devin Solow (collectively, the “Consenting Defendants”); and

WHEREAS, on October 27, 2023, Defendant 3BL Media, LLC filed its *Motion to Dismiss Amended Complaint* [Adv. Dkt. 162] (“3BL Media’s Motion to Dismiss”); and

WHEREAS, on November 1, 2023, the Court entered the *Stipulated Briefing and Hearing Schedule for the Motion to Dismiss Filed by Defendants Aspida Financial Services, LLC and Aspida Holdco, LLC* [Adv. Dkt. 169]; and

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court will hear Aspida's arguments for dismissal based on the McCarran-Ferguson Act and the *Burford* Abstention Doctrine on January 11, 2024 at 10:00am (ET) via Zoom for Government.
2. The Court will hear: (1) any remaining arguments in Aspida's Motion to Dismiss; (2) 3BL Media's Motion to Dismiss, and; (3) any other motions to dismiss filed by the Exhibit A Defendants and/or Consenting Defendants on May 21, 2024 at 10:00am (ET) via Zoom for Government.
3. Motions to dismiss filed by the Exhibit A Defendants and/or the Consenting Defendants must be filed on or before the Response Deadline.
4. If the Exhibit A Defendants and/or the Consenting Defendants file a motion to dismiss by the Response Deadline, Plaintiffs have until March 15, 2024 to file and serve any opposition authorized by the applicable rules, and the Exhibit A Defendants and/or Consenting Defendants have until April 30, 2024 to file a reply.
5. The Exhibit A Defendants and Consenting Defendants, collectively, and the Plaintiffs, may submit a single moving or opposing memorandum of law in accordance with the Court's Chamber's Rules.
6. This Order is without prejudice to any party's right to seek future extensions of any deadlines or any party's right to oppose such extension before this Court.

Dated: November 16, 2023
New York, New York

/s/ Lisa G. Beckerman
United States Bankruptcy Judge